

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ORRIN TYLER COLBOURN,

Plaintiff,

v.

B. DRAPER, et al.,

Defendants.

No. 2:23-cv-02918-DAD-EFB (PC)

ORDER

Plaintiff is a state prisoner pursuing a civil rights action under 42 U.S.C. § 1983. On May 7, 2024, the court screened plaintiff's complaint and dismissed it without prejudice for failure to state a claim. ECF No. 6. The court granted plaintiff 30 days to file an amended complaint. *Id.* Plaintiff did not file an amended complaint. Accordingly, the court recommended that the district judge dismiss the case without prejudice. ECF No. 9.

Plaintiff has filed objections to the findings and recommendations. ECF No. 10. He states that he needs another 30 to 60 days to file the amended complaint. *Id.* Accordingly, it is hereby ORDERED that:

- 25        1. The findings and recommendations issued on October 31, 2024 (ECF No. 9) are  
26                  VACATED;
- 27        2. Plaintiff shall file his amended complaint on or before January 17, 2025; and

////

1           3. Failure to timely file the amended complaint will result in a recommendation that this  
2           action be dismissed without prejudice.

3  
4           Dated: December 9, 2024

  
5           EDMUND F. BRENNAN  
6           UNITED STATES MAGISTRATE JUDGE

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28